

Message Text

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DRAFTED BY EB/OT/STA:MCJONES:JH

APPROVED BY EB/OT/STA:WCLARK, JR.

TREAS:POSUCHMAN

EUR/CE:SKLINGAMAN

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P 191921Z DEC 75

FM SECSTATE WASHDC

TO AMEMBASSY BERN PRIORITY

LIMITED OFFICIAL USE STATE 299280

E.O. 11652: N/A

TAGS: ETRD, SZ

SUBJECT: COUNTERVAILING DUTY INVESTIGATION -- CHEESE

REF: BERN 5129

1. IN RESPONSE TO REFTEL, FOLLOWING LETTER FROM TREASURY ASSISTANT SECRETARY DAVID R. MACDONALD TO AMBASSADOR JACOBI WAS POUCHED DECEMBER 17. BEGIN TEXT.

DEAR KLAUS:

I UNDERSTAND THAT A QUESTION HAS ARISEN CONCERNING TREASURY'S INTENTIONS TO MAINTAIN IN FORCE THE WAIVER OF COUNTERVAILING DUTIES ON SWISS EMMENTHALER AND GRUYERE CHEESES WHICH WAS ANNOUNCED ON JULY 2, 1975.

AS YOU KNOW, THE LAW REQUIRES THAT THE SECRETARY REVOKE SUCH WAIVERS, ISSUED UNDER AUTHORITY OF THE TRADE ACT OF 1974, "WHENEVER THE BASIS SUPPORTING SUCH DETERMINATION
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NO LONGER EXISTS." IN THIS INSTANCE THE BASIS SUPPORTING

THE DETERMINATION WAS SPELLED OUT IN MY LETTER TO YOU OF
JULY 1, 1975. THAT LETTER ENNUMERATED OUR UNDERSTANDING
OF SWISS POLICY REGARDING THE EXPORT OF CHEESE TO THE
UNITED STATES. I CAN REAFFIRM THAT THE CONDITIONS SET

FORTH THEREIN WILL BE THE SOLE DETERMINANTS OF OUR FUTURE
ACTIONS WITH REGARD TO THIS WAIVER. I CANNOT FORESEE
ANY REVOCATION ACTION INITIATED BY THE TREASURY SO LONG
AS THE CIRCUMSTANCES REGARDING SWISS EXPORTS OF
EMMENTHALER AND GRUYERE CHEESE TO THE U.S. REMAIN AS THEY
WERE AT THE TIME OF OUR UNDERSTANDING OF JUNE 1975.

I WOULD REMIND YOU OF COURSE, THAT THE CONGRESS DOES
HAVE THE AUTHORITY TO OVERRIDE THE WAIVER AT ANY TIME
DURING ITS PENDENCY. FURTHERMORE THE STATUTORY
WAIVER AUTHORITY WILL EXPIRE, WITHOUT FURTHER CONGRES-
SIONAL ACTION, ON JANUARY 3, 1979.

.....SINCERELY YOURS,

SIGNED DAVE

.....DAVID R. MACDONALD
.....ASSISTANT SECRETARY
.....(ENFORCEMENT, OPERATIONS,
.....AND TARIFF AFFAIRS)
END TEXT. KISSINGER

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Message Attributes

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